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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 RODNEY BANKS,

12 Plaintiff,

13 v.

14 J. PELAYO, *et al.*,

15 Defendants.  
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Case No. 1:20-cv-00117-BAM (PC)

ORDER GRANTING PLAINTIFF'S  
APPLICATION TO PROCEED *IN FORMA*  
*PAUPERIS*

(ECF No. 2)

ORDER DIRECTING PAYMENT OF  
INMATE FILING FEE BY CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION

18 Plaintiff Rodney Banks is a state prisoner proceeding *pro se* in this civil rights action  
19 pursuant to 42 U.S.C. § 1983.

20 Currently before the Court is Plaintiff's application to proceed *in forma pauperis* pursuant  
21 to 28 U.S.C. § 1915, filed on January 22, 2020. (ECF No. 2.) A certified copy of Plaintiff's  
22 prison trust account statement that reflects the activity in Plaintiff's trust account for the last six  
23 months was filed on January 27, 2020. (ECF No. 6.)

24 Since Plaintiff has made the showing required by § 1915, the application to proceed *in*  
25 *forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for  
26 this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the  
27 amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust  
28 account. The California Department of Corrections and Rehabilitation is required to send to the

1 Clerk of the Court payments from Plaintiff's trust account each time the amount in the account  
2 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 2), is GRANTED;
- 5 **2. The Director of the California Department of Corrections and Rehabilitation**  
6 **or his/her designee shall collect payments from Plaintiff's prison trust account**  
7 **in an amount equal to twenty percent (20%) of the preceding month's income**  
8 **credited to the prisoner's trust account and shall forward those payments to**  
9 **the Clerk of the Court each time the amount in the account exceeds \$10.00, in**  
10 **accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been**  
11 **collected and forwarded to the Clerk of the Court. The payments shall be**  
12 **clearly identified by the name and number assigned to this action;**
- 13 3. The Clerk of the Court is directed to serve a copy of this order and a copy of  
14 Plaintiff's *in forma pauperis* application, (ECF No. 2), on the Director of the  
15 California Department of Corrections and Rehabilitation, via the Court's electronic  
16 case filing system (CM/ECF); and
- 17 4. The Clerk of the Court is directed to serve a copy of this order on the Financial  
18 Department, U.S. District Court, Eastern District of California.

19  
20 IT IS SO ORDERED.

21 Dated: January 29, 2020

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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